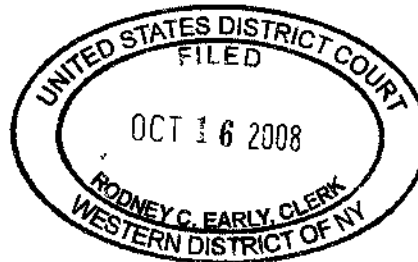


**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CRUZ,

Defendant.

DOCKET NO. 07-CR-187S

REPORT AND RECOMMENDATION

By Order of Judge William M. Skretny dated October 8, 2008, the above case was referred to me, with the consent of the defendant, to take the defendant's plea of guilty and to conduct an allocution pursuant to Rule 11 of the Federal Rules of Criminal Procedure for a Report and Recommendation. The following is my Report and Recommendation as to the defendant's plea of guilty.

On October 16, 2008, the defendant entered a plea of guilty in this case, as set forth in the transcript of the plea proceeding, which is transmitted with this written Report and Recommendation. In accordance with my oral Report and Recommendation at the close of the plea proceeding, it is my Report and Recommendation that the defendant's plea of guilty accords with the requirements of

Rule 11 of the Fed. R. Crim. P. and that Your Honor adjudge the defendant guilty of the offense(s) to which the guilty plea was offered.

SO ORDERED.

DATED: October 16, 2008
Buffalo, New York

A handwritten signature in black ink, appearing to read 'H. Kenneth Schroeder, Jr.', written over a horizontal line.

H. KENNETH SCHROEDER, JR.
United States Magistrate Judge